

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES,

v.

MAYRA HERNANDEZ.

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Cr. No. C-09-731(4)

ORDER DENYING MOTION FOR NEW COUNSEL

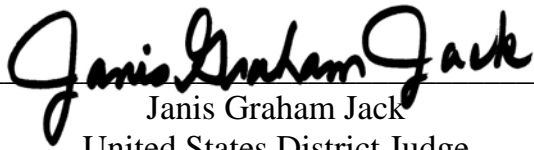
Pursuant to a plea agreement (D.E.112), defendant Mayra Hernandez (“Hernandez”) pled guilty to conspiracy to transport unlawful aliens within the United States in violation of 8 U.S.C. § 1324(a)(1). (D.E. 106). On January 19, 2010, the Court sentenced Hernandez to 78 months in the custody of the Bureau of Prisons, a 3-years supervised release term, and a \$100 special assessment. (D.E. 146) Final judgment was entered against her on January 21, 2010. (D.E. 156.) Hernandez was represented throughout her criminal proceedings by appointed counsel Amador C. Garcia. (D.E. 30, 65). Mr. Garcia has not sought leave to withdraw.

On September 2, 2010, Hernandez filed a motion to appoint new counsel. (D.E. 165). Hernandez complains that, since June 2, 2010, she has been confined at the Aransas County Detention Center on a writ of habeas corpus testificandum because a co-defendant was recently detained. Id. at 1. She states that, since her arrival at the detention center, she has met with Mr. Garcia on only two occasions, and Mr. Garcia had no information concerning when she might appear in court. Id. She claims that she has ben trying to reach Mr. Garcia for the past two weeks, but that his office has not answered her calls. Id. at 2. She relates that she would prefer to be at her assigned prison, the Federal Medical Center in Ft. Worth, Texas, because there she could take advantage of “great programs.” Id.

Hernandez' motion for appointment of new counsel is denied. Hernandez *herself* has no pending case, appeal or motion. She is in the detention center so that she might be called as a witness in a co-defendant's case, and Mr. Garcia is not in charge of scheduling her appearance in that proceeding. Hernandez has failed to identify any specific claim of error, conflict of interest, or other claim justifying the substitution of counsel. Moreover, a review of this Court's record reveals no grounds to warrant appointment of new counsel. That Ms. Hernandez is inconvenienced by her detention in Aransas County and frustrated by her inability to have a date certain set for appearance are not valid grounds to disturb the original appointment of Mr. Garcia.

For the foregoing reasons, Hernandez' motion for new counsel (D.E. 165) is DENIED.

ORDERED this 9th day of September, 2010.



Janis Graham Jack
United States District Judge